

House Bill 841 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Day of the 163rd, Graves of the 137th, Hugley of the 133rd, and Forster of the 3rd

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to provide for an exemption from state sales and use tax only with respect to certain sales to qualified job training organizations for a limited period of time; to provide for a definition; to provide for conditions and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by striking "or" at the end of paragraph (81), by striking the period at the end of paragraph (82) and inserting in its place "; or", and by adding a new paragraph immediately following paragraph (82) to be designated paragraph (83) to read as follows:

"(83)(A) Sales of tangible personal property and services to a qualified job training organization when such organization obtains an exemption determination letter from the commissioner.

(B) For purposes of this paragraph, 'qualified job training organization' means an organization which:

(i) Is located in this state;

(ii) Is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code;

(iii) Specializes in the retail sale of donated items;

(iv) Provides job training and employment services to individuals with workplace disadvantages and disabilities; and

(v) Uses a majority of its revenues for job training and placement programs.

(C)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; by or pursuant to Part 1 of Article 3 of this chapter; by or pursuant to Part 2 of Article 3 of this chapter; by or pursuant to Article 4 of this chapter.

(ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(D) The commissioner shall promulgate any rules and regulations necessary to implement and administer this paragraph.

(E) This paragraph shall stand repealed in its entirety on July 1, 2008."

SECTION 2.

This Act shall become effective July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.